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Oceans and the law of the sea: sustainable fisheries, including through the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Austria, Brazil, Canada, Cyprus, Denmark, Fiji, Finland, Iceland, Ireland, Malta, Marshall Islands, Monaco, Namibia, Netherlands, New Zealand, Norway, Portugal, Sweden, Tonga, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, 50/25 of 5 December 1995 and 57/142 of 12 December 2002, as well as other resolutions on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments, and its resolutions 56/13 of 28 November 2001 and 57/143 of 12 December 2002 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[1] and 58/14 of 21 January 2004 on sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments,

* Reissued for technical reasons.

[1] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

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Recalling the relevant provisions of the United Nations Convention on the Law of the Sea ("the Convention"),[2] and bearing in mind the relationship between the Convention and the Agreement,

Recognizing that, in accordance with the Convention, the Agreement sets forth provisions concerning the conservation and management of straddling fish stocks and highly migratory fish stocks, including provisions on subregional and regional cooperation in enforcement, binding dispute settlement and the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas, and specific provisions to address the requirements of developing States in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks,

Noting that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations ("the Code")[3] and its associated international plans of action set out principles and global standards of behaviour for responsible practices for the conservation of fisheries resources and the management and development of fisheries,

Noting with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by unreported and misreported fish catch and fishing effort and the contribution this lack of data makes to continued overfishing in some areas,

Noting with satisfaction the Strategy for Improving Information on Status and Trends of Capture Fisheries recently adopted by the Food and Agriculture Organization of the United Nations,[4] and recognizing that the long-term improvement of knowledge and understanding of fishery status and trends is a fundamental basis for fisheries policy and management for implementing the Code,

Recognizing the need to implement, as a matter of priority, the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[5] in relation to achieving sustainable fisheries,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, mainly as a result of, inter alia, unauthorized fishing, inadequate regulatory measures, harmful fisheries subsidies and excess fishing capacity,

Concerned that illegal, unreported and unregulated fishing threatens seriously to deplete populations of certain fish species and to significantly damage marine

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[2] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[3] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

[4] Food and Agriculture Organization of the United Nations, *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24-28 February 2003*, appendix H.

[5] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Noting with satisfaction resolution 6/2003 of 9 December 2003, adopted by the Conference of the Food and Agriculture Organization of the United Nations, relating to preventing, deterring and eliminating illegal, unreported and unregulated fishing,[6]

Recognizing that the problem of overfishing continues to be exacerbated by inadequate flag State control over fishing vessels, including those fishing for straddling fish stocks and highly migratory fish stocks, and insufficient monitoring, control and surveillance measures,

Recognizing also that the interrelationship between ocean activities, such as shipping and fishing, and environmental issues needs further consideration,

Noting that the contribution of aquaculture to global fish supplies continues to increase its potential in developing countries to enhance local food security and poverty alleviation and meet future demands in fish consumption, bearing in mind article 9.1.4 of the Code,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building to assist such States in meeting their obligations under international instruments and realizing the benefits from fisheries resources,

Noting the obligation of all States, pursuant to the provisions of the Convention, to cooperate in the conservation and management of straddling fish stocks and highly migratory fish stocks, and recognizing the importance of coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Recognizing the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"),[7] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag and vessels flying their flag which provide support to such vessels, and to ensure that the activities of such vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recognizing also the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of a precautionary approach and appropriate measures to reduce pollution and waste, and other factors, such as discards and catch by lost or abandoned gear, which adversely affect fish stocks,

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[6] Food and Agriculture Organization of the United Nations, *Report of the Conference of the Food and Agriculture Organization of the United Nations, Thirty-second Session, Rome, 29 November-9 December 2003* (C2003/REP).

[7] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. II.

Recognizing further the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem, the vulnerability of some shark species to over-exploitation, the need for measures to promote the long-term sustainability of shark populations and fisheries and the relevance of the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization of the United Nations in 1999, in providing development guidance of such measures,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant regional and subregional fisheries management organizations and arrangements on the conservation and management of sharks, while noting with concern that only a small number of countries have implemented the International Plan of Action for the Conservation and Management of Sharks,

Noting with satisfaction the outcomes of the third round of informal consultations of States parties to the Agreement, held in New York on 8 July 2004,

Taking note with appreciation of the report of the Secretary-General on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments",[8] including the section outlining current risks to the marine biodiversity of vulnerable marine ecosystems related to fishing activities, and conservation and management measures in place at the global, regional, subregional or national levels addressing these issues, in particular its useful role in gathering and disseminating information on or relating to the sustainable development of the world's marine living resources,

Expressing concern that the practice of large-scale pelagic drift-net fishing remains a threat to marine living resources, although the incidence of this practice has continued to be low in most regions of the world's oceans and seas,

Emphasizing that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift nets that contravene the resolution,

Expressing concern, while recognizing considerable efforts to reduce by-catch in longline fishing through various regional fisheries management organizations, at the reports of continued loss of seabirds, particularly albatrosses, as a result of incidental mortality from longline fishing operations, and the loss of other marine species, including sharks, fin-fish species and marine turtles, as a result of incidental mortality,

Welcoming the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, as well as regional and subregional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement,

Recognizing the significant contribution of sustainable fisheries to food security, income and wealth for present and future generations,

[8] A/59/298.

I

Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,[2] in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;[1]

2. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

3. *Reaffirms* the importance of the Johannesburg Plan of Implementation in relation to fisheries, in particular the commitment made therein to restore depleted fish stocks on an urgent basis and, where possible, not later than 2015;[9]

4. *Urges* all States to apply the precautionary approach and the ecosystem approach widely to the conservation, management and exploitation of fish stocks, including straddling fish stocks and highly migratory fish stocks, and also calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

II

Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

5. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

6. *Emphasizes* the importance of the effective implementation of the provisions of the Agreement, including those provisions relating to bilateral, regional and subregional cooperation in enforcement, and urges continued efforts in this regard;

7. *Welcomes* the entry into force of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean on 19 June 2004, and encourages relevant States to become Parties to that Convention in accordance with its terms;

8. *Also welcomes* the inaugural meeting at Swakopmund, Namibia, from 9 to 13 March 2004 of the Commission of the South-East Atlantic Fisheries Organization as well as its continual operationalization and assumption of full competence for the conservation and management of resources that fall under its responsibility within the area of the Convention on the Conservation and

[9] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex, para. 31 (a).

Management of Fishery Resources in the South-East Atlantic Ocean, and encourages signatory States and other States with real interest whose vessels fish in the Convention area for fishery resources covered by that Convention to become parties to that Convention and, in the interim, to consider applying it and the measures adopted thereunder provisionally, to ensure that vessels entitled to fly their flags apply such measures;

9. *Calls upon* all States to ensure that their vessels comply with the conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with relevant provisions of the Convention and of the Agreement;

10. *Urges* States parties to the Agreement, in accordance with article 21, paragraph 4, to inform, either directly or through the relevant regional or subregional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same region or subregion, of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

11. *Also urges* States parties to the Agreement, in accordance with article 21, paragraph 4, to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

12. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of those fisheries resources;

13. *Recalls* paragraph 10 of its resolution 58/14, in which it decided to establish an Assistance Fund under Part VII of the Agreement to assist developing States parties in the implementation of the Agreement, and encourages States, intergovernmental organizations, international financial institutions, national institutions, non-governmental organizations, as well as natural and juridical persons to make voluntary financial contributions to the Fund;

14. *Notes with satisfaction* the conclusion of an arrangement between the United Nations and the Food and Agriculture Organization of the United Nations regarding the administration of the Assistance Fund;

15. *Emphasizes* the importance of outreach to potential donor organizations to contribute to the programme of assistance, including the Assistance Fund;

16. *Requests* the Secretary-General to convene, pursuant to article 36 of the Agreement, in the first part of 2006 a one-week review conference, with a view to assessing the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks, and to

render the necessary assistance and to provide such services as may be required for the review conference;

17. *Also requests* the Secretary-General to present, to the conference, a comprehensive report, prepared in cooperation with the Food and Agriculture Organization of the United Nations, in accordance with paragraph 2 of article 36 of the Agreement;

18. *Recalls* paragraph 6 of its resolution 56/13, and requests the Secretary-General to convene a fourth round of informal consultations of States parties to the Agreement, to consider, principally, but not limited to, issues related to the preparation for the review conference to be convened by the Secretary-General, pursuant to article 36 of the Agreement and making any appropriate recommendation to the General Assembly;

19. *Requests* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, not party to the Agreement, as well as the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, and relevant non-governmental organizations to attend the fourth round of informal consultations of States parties to the Agreement as observers;

III
Related fisheries instruments

20. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement,[7] and urges continued efforts in this regard;

21. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

22. *Urges* parties to the Compliance Agreement to exchange information in the implementation of that Agreement;

23. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code within their areas of competence;

24. *Urges* States, as a matter of priority, to support implementation of the Strategy for Improving Information on Status and Trends of Capture Fisheries of the Food and Agriculture Organization of the United Nations[4] at the national and regional levels, giving particular emphasis to capacity-building in developing countries;

25. *Also urges* States to develop and implement as a matter of priority national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

IV
Illegal, unreported and unregulated fishing

26. *Emphasizes once again* its serious concern that illegal, unreported and unregulated fishing remains one of the greatest threats to marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;

27. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, without having effective control over their activities, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

28. *Affirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the regional and subregional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to collaborate in efforts to address these types of fishing activities, including, inter alia, the development and implementation of vessel monitoring systems and the listing of vessels in order to prevent illegal, unreported, and unregulated fishing activities, where appropriate and consistent with international law, trade monitoring schemes, including to collect global catch data, through subregional and regional fisheries management organizations and arrangements;

29. *Encourages* States to consider becoming members of the International Monitoring, Control and Surveillance Network for Fisheries-Related Activities, a voluntary network of monitoring, control and surveillance professionals designed to facilitate exchange of information and to support countries in discharging their obligations pursuant to international agreements, in particular the Compliance Agreement;

30. *Requests* the Secretary-General to report to the General Assembly at its sixty-first session on the study undertaken by the International Maritime Organization, in cooperation with other competent international organizations, following the invitation extended to it in resolutions 58/240 of 23 December 2003 and 58/14, to examine and clarify the role of the genuine link in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels, and the potential consequences of non-compliance with the duties and obligations of flag States prescribed in the relevant international instruments;

31. *Calls upon* flag and port States to take all measures consistent with international law necessary to prevent the operation of sub-standard vessels and illegal, unreported and unregulated fishing activities;

32. *Encourages* the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements to develop further ideas to devise means of discouraging owners and operators from non-compliance with the requirements imposed by flag States in carrying out their duties and obligations under relevant international instruments;

33. *Recognizes* the commitment made in the Johannesburg Plan of Implementation for States urgently to develop and implement national and, where appropriate, regional plans of action, to put into effect by 2004 the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and to establish effective monitoring, reporting, enforcement and control of fishing vessels, including by flag States, to further the International Plan of Action, and calls upon States to adhere to this commitment as a matter of priority;

34. *Also recognizes* that common means of conducting illegal, unreported and unregulated fishing involves the unreported or misreported transshipments of fish at sea, and urges States, either directly or through relevant subregional and regional fisheries management organizations and arrangements, to establish comprehensive systems, where appropriate, for monitoring and control of transshipments on the high seas;

35. *Urges* relevant regional and subregional fisheries management organizations and arrangements to implement effective measures against illegal, unreported and unregulated fishing, inter alia, by compiling a record of vessels authorized to fish in their area of competence, in accordance with the Code;

36. *Commends* the Food and Agriculture Organization of the United Nations for its activities in combating illegal, unreported and unregulated fishing, including its initiative to organize the intergovernmental technical consultation on the role of the port State in combating illegal, unreported and unregulated fishing, held from 31 August to 2 September 2004, and welcomes the outcomes of those consultations;

37. *Urges* States to eliminate subsidies that contribute to illegal, unreported and unregulated fishing, while completing the efforts undertaken at the World Trade Organization to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries;

38. *Recognizes* the need for enhanced port State controls to combat illegal, unreported and unregulated fishing, urges States to cooperate, in particular at the regional level, and through regional and subregional fisheries management organizations and arrangements, as well as through participation, where appropriate, in the efforts of the Food and Agriculture Organization of the United Nations in cooperation with the International Maritime Organization to address substantive issues relating to the role of the port State, noting that such efforts include the elaboration of a draft model scheme on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;

V
Fishing overcapacity

39. *Calls upon* States and relevant regional and subregional fisheries management organizations and arrangements, as a matter of priority, to take effective measures to improve the management of fishing capacity and to put into effect by 2005 the International Plan of Action for the Management of Fishing

Capacity, taking into account the need, through these actions, to avoid the transfer of fishing capacity to other fisheries or areas including, but not limited to, those areas where fish stocks are overexploited or in a depleted condition;

40. *Urges* States to eliminate subsidies that contribute to fishing overcapacity, while completing the efforts undertaken at the World Trade Organization to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries;

41. *Notes with satisfaction* that information about more than 5,500 fishing vessels authorized to fish on the high seas has been provided to the Food and Agriculture Organization of the United Nations by at least 17 flag States and entered on the High Seas Vessels Authorization Record established by the Organization in accordance with article VI of the Compliance Agreement and urges those States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have become parties to it to establish a record of fishing vessels authorized to fish on the high seas and, pursuant to articles IV and VI thereof, to make such a record available to the Organization as a matter of priority, and promptly to notify the Organization of any modifications to such a record;

42. *Calls upon* all States to assist this work of the Food and Agriculture Organization of the United Nations, and to take measures to halt the increase of large-scale fishing vessels in accordance with the International Plan of Action for the Management of Fishing Capacity;

43. *Welcomes* the significant outcomes of the Technical Consultation to Review Progress and Promote the Full Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Management of Fishing Capacity of the Food and Agriculture Organization of the United Nations, held from 24 to 29 June 2004, which recommended specific actions to the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, and other relevant regional and subregional fisheries management organizations and arrangements with regard to illegal, unreported and unregulated fishing and fishing overcapacity and also suggested measures to be taken by States and fishing entities regarding expanding fishing capacity by certain fishing operations in the Central and Western Pacific Ocean;

VI
Large-scale pelagic drift-net fishing

44. *Reaffirms* the importance it attaches to continued compliance with its resolution 46/215 and other subsequent resolutions on large-scale pelagic drift-net fishing, and urges States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to enforce fully the measures recommended in those resolutions;

VII
Fisheries by-catch and discards

45. *Urges* States, relevant international organizations and regional and subregional fisheries management organizations and arrangements that have not done so to take action to reduce or eliminate by-catch, catch by lost or abandoned

gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish;

46. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to give due consideration to participation, as appropriate, in regional and subregional organizations with mandates to conserve non-target species taken incidentally in fishing operations, and notes in particular the Inter-American Convention for the Protection and Conservation of Sea Turtles and Their Habitats, regional sea turtle conservation instruments in the West African, the wider Caribbean, and the Indian Ocean/South-East Asia regions, the work of the Southeast Asian Fisheries Development Centre on turtle conservation and management, the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas,[10] and the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area in this regard;

47. *Notes with satisfaction* the entry into force on 1 February 2004 of the Agreement for the Conservation of Albatrosses and Petrels under the Convention on the Conservation of Migratory Species of Wild Animals and encourages relevant States which have not already done so to become parties to that Agreement in accordance with its terms;

48. *Also notes with satisfaction* the activities of the Food and Agriculture Organization of the United Nations, in cooperation with relevant United Nations agencies and programmes, in particular the United Nations Environment Programme and the Global Environment Facility, aimed at promoting the reduction of by-catch and discards in fisheries activities;

49. *Notes* the Technical Consultation on Sea Turtle Conservation and Fisheries to be organized by the Food and Agriculture Organization of the United Nations from 29 November to 2 December 2004, and encourages States to participate actively in this work;

VIII
Subregional and regional cooperation

50. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention and the Agreement, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

51. *Encourages* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to

[10] United Nations, *Treaty Series*, vol. 1772, No. 30865.

establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement;

52. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention and the Agreement;

53. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stock, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

54. *Welcomes* the initiation of negotiations and ongoing preparatory work to establish regional and subregional fisheries management organizations or arrangements in several fisheries, and urges participants in those negotiations to apply provisions of the Convention and the Agreement to their work;

55. *Notes with satisfaction* in this regard the recent recommendation of the Western Central Atlantic Fisheries Commission that established an intersessional working group tasked to study the feasibility of strengthening regional fisheries management in that region, encourages relevant States and organizations to work actively to fulfil the recommendation, and notes the important contribution of the Caribbean Regional Fisheries Mechanism to this process;

56. *Encourages* States to develop ocean policies and mechanisms on integrated management, including at the subregional and regional levels, and also including assistance to developing States in accomplishing these objectives, as well as by promoting improved cooperation between regional fisheries management organizations and other regional entities, such as the United Nations Environment Programme regional seas programmes and conventions;

57. *Encourages* subregional or regional fisheries management organizations or arrangements and States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement that are members of or participate in such organizations or arrangements, to consider adopting, where appropriate and in accordance with international law, conservation and management measures for fish stocks that fall within the competence of such organizations and or arrangements but are not yet managed by them, in particular for those stocks that have vulnerable life histories, scientific data indicate are in decline and/or are subject to an international plan of action of the Food and Agriculture Organization of the United Nations;

IX
Responsible fisheries in the marine ecosystem

58. *Encourages* States to apply by 2010 the ecosystem approach, notes the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem[11] and

[11] E/CN.17/2002/PC.2/3, annex.

Decision VII/11[12] and other relevant decisions of the Conference of the Parties to the Convention on Biological Diversity, notes the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management, and also notes the importance to this approach of relevant provisions of the Agreement and the Code;

59. *Also encourages* States to increase scientific research in accordance with international law on the marine ecosystem;

60. *Calls upon* States, the Food and Agricultural Organization of the United Nations, the International Maritime Organization, the United Nations Environment Programme, in particular its Regional Seas programme, regional and subregional fisheries management organizations and arrangements and other appropriate intergovernmental organizations that have not yet done so to take action to address the issue of lost or abandoned fishing gear and related marine debris, including through the collection of data on gear loss, economic costs to fisheries and other sectors, and the impact on marine ecosystems;

61. *Requests* the Secretary-General, in his next report concerning fisheries, to include information on the actions taken by the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme, in particular its Regional Seas programme, the International Maritime Organization, regional and subregional fisheries management organizations and arrangements, and other appropriate intergovernmental organizations to give effect to paragraph 60 above;

62. *Urges* States to ratify and implement relevant international agreements, including annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

63. *Calls upon* States, where relevant, to establish systems for retrieving lost gear and nets;

64. *Notes* that 2005 will mark the ten-year anniversary of the adoption of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,[13] and urges all States to implement the Global Programme of Action and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation;

65. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies of the United Nations, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socio-economics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects;

66. *Calls upon* States, either by themselves or through regional fisheries management organizations or arrangements, where these are competent to do so, to

[12] See UNEP/CBD/COP/7/21, annex.

[13] A/51/116, annex II.

take action urgently, and consider on a case-by-case basis and on a scientific basis, including the application of the precautionary approach, the interim prohibition of destructive fishing practices, including bottom trawling, which has adverse impacts on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold-water corals located beyond national jurisdiction, until such time as appropriate conservation and management measures have been adopted in accordance with international law;

67. *Calls upon* regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to urgently adopt, in their regulatory areas, appropriate conservation and management measures, in accordance with international law, to address the impact of destructive fishing practices, including bottom trawling, which has adverse impacts on vulnerable marine ecosystems, and to ensure compliance with such measures;

68. *Calls upon* members of regional fisheries management organizations or arrangements without the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems to expand the competence, where appropriate, of their organizations or arrangements in this regard;

69. *Calls upon* States urgently to cooperate in the establishment of new regional fisheries management organizations or arrangements, where necessary and appropriate, with the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems in areas where no such relevant organization or arrangement exists;

70. *Requests* the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to include in his next report concerning fisheries, a section on the actions taken by States and regional fisheries management organizations and arrangements to give effect to paragraphs 66 to 69 above in order to facilitate discussion of the matters covered in those paragraphs;

71. *Agrees* to review within two years progress on action taken in response to the requests made in paragraphs 66 to 69 above with a view to further recommendations, where necessary, in areas where arrangements are inadequate;

72. *Calls upon* States, the Food and Agriculture Organization of the United Nations and subregional or regional fisheries management organizations and arrangements to implement fully the International Plan of Action for the Conservation and Management of Sharks as a matter of priority, inter alia, by conducting assessments of shark stocks and developing and implementing national plans of action, recognizing the need of some States, in particular developing States, for assistance in this regard;

73. *Urges* States, including those working through subregional or regional fisheries management organizations and arrangements in implementing the International Plan of Action for the Conservation and Management of Sharks, to collect scientific data regarding shark catches and to consider adopting conservation and management measures, particularly where shark catches from directed and non-directed fisheries have a significant impact on vulnerable or threatened shark stocks, in order to ensure the conservation and management of sharks and their long-term sustainable use, including by banning directed shark fisheries conducted solely for the purpose of harvesting shark fins and by taking measures for other fisheries to

minimize waste and discards from shark catches, and to encourage the full use of dead sharks;

74. *Requests* the Food and Agriculture Organization of the United Nations to develop programmes to assist States, including developing States, in carrying out the tasks mentioned in paragraph 73 above, in particular the adoption of appropriate conservation and management measures, including the banning of directed shark fisheries conducted solely for the purpose of harvesting shark fins;

75. *Reaffirms* the requests contained in paragraph 50 of its resolution 58/14, and invites the Food and Agriculture Organization of the United Nations to report to the Secretary-General, for inclusion in his report on sustainable fisheries, on progress regarding the preparation of the study mentioned therein, as well as the programmes mentioned in paragraph 74 above, and to consider at the sixty-second session of the General Assembly whether additional action is required;

X
Capacity-building

76. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant regional and subregional organizations, and by other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCODE programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Conservation and Management of Sharks, to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

77. *Invites* States and relevant intergovernmental organizations to develop projects, programmes and partnerships with relevant stakeholders and mobilize resources for the effective implementation of the outcome of the African Process for the Protection and Development of the Marine and Coastal Environment, and to consider the inclusion of fisheries components in this work;

78. *Also invites* States and relevant intergovernmental organizations to further implement sustainable fisheries management and improve financial returns from fisheries by supporting and strengthening relevant regional fisheries management organizations, as appropriate, such as the Caribbean Regional Fisheries Mechanism and such agreements as the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific;

XI
Cooperation within the United Nations system

79. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

80. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-

General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

81. *Also invites* the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, the Food and Agriculture Organization of the United Nations and other relevant bodies of the United Nations system to consult and cooperate in the preparation of questionnaires designed to collect information on sustainable fisheries in order to avoid duplication;

XII
Sixtieth session of the General Assembly

82. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

83. *Also requests* the Secretary-General to submit to the General Assembly at its sixtieth session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;

84. *Decides* to include in the provisional agenda of its sixtieth session, under the item entitled "Oceans and the law of the sea", a sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".